

**Tender Reference Number: COR6975/2022/RFP**

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**APPOINTMENT OF A DEVELOPER AND OPERATOR OF A SERVICE STATION WITH A  
CONVENIENCE STORE AT THE ACSA OR TAMBO INTERNATIONAL AIRPORT, GEORGE  
AIRPORT AND THE BRAM FISCHER AIRPORT IN BLOEMFONTEIN**

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**JUNE 2023**

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**Tel +27 11 723 1400 Fax +27 11 453 9354**

**Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632  
P O Box 75480, Gardenview, Gauteng, South Africa, 2047**

**[www.airports.co.za](http://www.airports.co.za)**

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer),  
N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatswayo, Dr KH Badimo, F Sefara (Company Secretary)

**COR6975/2022/RFP**

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED INVITES SUITABLY  
QUALIFIED SERVICE PROVIDERS TO BID FOR THE:**

**APPOINTMENT OF A DEVELOPER AND OPERATOR OF A SERVICE STATION WITH A  
CONVENIENCE STORE AT THE ACSA OR TAMBO INTERNATIONAL AIRPORT, GEORGE  
AIRPORT AND THE BRAM FISCHER AIRPORT IN BLOEMFONTEIN**

<b>Bid Number</b>	<b>:</b>	<b>COR6975/2022/RFP</b>
<b>Issue Date</b>	<b>:</b>	<b>15 JUNE 2023</b>
<b>Query Closing Date</b>	<b>:</b>	<b>14 JULY 2023</b>
<b>Briefing Session Inspection Date and Time</b>	<b>:</b>	<b>22 JUNE 2023 @10:00AM TO 11:00 AM VIA MS TEAMS</b>
<b>Site Inspection Requirements</b>	<b>:</b>	<b>No site inspection schedule – Bidders can request one at any stage since the sites are on the airport landside.</b>
<b>Bid Closing Date and Time</b>	<b>:</b>	<b>21 JULY 2023 AT 12:00 PM</b>

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Table 1: Summary of Bidder's Details

1.	NAME OF TENDERER (BIDDING ENTITY)	
2.	TEL NUMBER	
3.	EMAIL	
4.	NAME OF CONTACT	
5.	NATIONAL TREASURY CSD REGISTRATION NUMBER	

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## 1. SECTION 1: INSTRUCTIONS TO BIDDERS

### 1.1. Access to RFP documents

Tenders are available on [www.etenders.gov.za](http://www.etenders.gov.za) and [ACSA website](http://ACSA website). Kindly print and complete.

### Submission of bid documents

The envelopes containing bid documents must have on the outside, the bidder's return address, the full description of the tender, tender number, and the details of the Tender Management Office/Procurement department where the bid will close. (Ref 1.2.1). The documents must be signed and completed by a person who has been given authority to act on behalf of the bidder. The bottom of each page of the bid documents must be signed or stamped with the bidder's stamp as proof that the bidder has read the tender documents. Bid documents must be submitted on or before the 21<sup>st</sup> of July 2023 at 12:00pm using the following methods:

**PLEASE NOTE THAT BOTH METHODS MUST BE UTILIZED. BIDDERS SHOULD NOT CHOOSE JUST ONE OF THEM.**

#### 1.1.1. Hand delivery:

The bid document must be delivered to the address below and must be addressed as follows:

**CONTRACT NO: COR6975/2022/RFP**

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**[NAME OF TENDERER]**

**O.R. Tambo International Airport**

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**1 Jones Road, Kempton Park, Gauteng, South Africa**

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**1632**

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1.1.2. Tender box:

The Tender box is located at:

**TENDER BOX B**

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**THIRD FLOOR TERMINAL A BUILDING, NORTH WING OFFICES**

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**FOLLOWING AIRCRAFT VIEWING DECK SIGNS.**

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**Please ensure that the packaging of the tender document is not a box but an arch lever file size package that can fit in the tender box insertion point.**

**Please arrive early at the airport in order to avoid being late to the tender box/closing. Please follow instructions for parking at the airport as some parking is closed.**

1.1.3. Email submissions:

Electronic copies/links of the tenders are to be e-mailed to the following email address:

[thami.mncube@airports.co.za](mailto:thami.mncube@airports.co.za)

**ENSURE THAT THE ELECTRONIC COPY IS WELL LABELLED IN SEPARATE ANNEXURES AS PER THE RETURNABLES SCHEDULE**

- Bidders must not email their submission as one big attachment. Kindly break your submission into at least (04) four or more attachments of 4MB each.
- Bidders are requested to submit all bids in the format instructed, no other format will be acceptable.

1.1.4. Proposals must both be in printed format (an original and a copy) together with an electronic copy of the bid documents using email (pdf format or a link). The original will be legal and binding, in the event of discrepancies between any of the submitted documents; the original will take precedence.

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## 1.2. Alternative Bids

As a general rule ACSA only accepts bids which have been prepared in response to the bid invitation. However, for this bid alternative bids will be accepted provided the alternative bid is accompanied by the original bid response which materially complies with the specifications of this bid invitation. The alternative bid will only be considered where the bidder has submitted together with its alternative bid, an offer which materially complies with the requirements of this bid. Alternative bids will also be evaluated using the pre-determined evaluation criteria stipulated in this bid document.

## 1.3. Late Bids

Bids which are submitted after the closing date and time will not be accepted.

## 1.4. Clarification and Communication

Name:	Thami Mncube
Designation:	Category Management Specialist: Commercial
Tel:	+27 (0) 61 653 0462
Email:	Thami.Mncube@airports.co.za

- 1.4.1. Request for clarity or information on the bid may only be requested until 16:00pm on 7<sup>th</sup> of July 2023. Any responses to queries or for clarity sought by a bidder will also be sent to all the other entities which have responded to the Request for Proposal/Bid /Information invitation.
- 1.4.2. Bidders may not contact any ACSA employee on this bid other than those listed above. Contact will only be allowed between the successful bidder and ACSA Business Unit representatives after the acceptance of the letter of award bid. Contact will also only be permissible in the case of pre-existing commercial relations which do not pertain to the subject of this bid.

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### 1.5. Briefing and Site Inspection Session

A **Non - Compulsory briefing** session will be held on the 22nd of June 2023 at 10:00 (AM). The session will be held as follows:

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#### **MICROSOFT TEAMS LINK:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWQ0MjBmMzQtOWI1Yy00MDI1LTg2N2QtNDQxYzE4MTFiMzEz%40thread.v2/0?content=%7b%22id%22%3a%22fb62d46e-e86e-4673-ba82-b27b61d8202b%22%2c%22oid%22%3a%22040b51f1-5abc-474d-8c64-aca87b37f092%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWQ0MjBmMzQtOWI1Yy00MDI1LTg2N2QtNDQxYzE4MTFiMzEz%40thread.v2/0?content=%7b%22id%22%3a%22fb62d46e-e86e-4673-ba82-b27b61d8202b%22%2c%22oid%22%3a%22040b51f1-5abc-474d-8c64-aca87b37f092%22%7d)

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#### **SITE VISIT TIME AND LOCATION:**

**NOT APPLICABLE**

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### 1.6. Bid Responses

Bid responses must be strictly prepared and returned in accordance with this bid document. Bidders may be disqualified where they have not materially complied with any of ACSA's requirements in terms of this bid document. Changes to the bidder's submission will not be allowed after the closing date of the bid. All bid responses will be regarded as offers unless the bidder indicates otherwise. No bidder or any of its consortium/joint venture members may have an interest in any of the other bidder/joint venture/consortium participating in this bid.

### 1.7. Disclaimers

It must be noted that ACSA reserves its right to:

- 1.7.1. Award the whole or a part of this bid.
- 1.7.2. Split the award of this bid.
- 1.7.3. Negotiate with all or some of the shortlisted bidders.
- 1.7.4. Award the bid to a bidder other than the highest scoring bidder where objective criteria allow;
- 1.7.5. To reject the lowest acceptable bid received; and/or

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1.7.6. Cancel this bid.

**1.8. Validity Period**

1.8.1. ACSA requires a validity period of **One Hundred and Twenty (120)** business/working days for this bid. During the validity period the prices which have been quoted by the bidder must remain firm and valid. It is only in exceptional circumstances where ACSA would accommodate a proposal to change the price.

**1.9. Confidentiality of Information**

1.9.1. ACSA will not disclose any information disclosed to ACSA through this bid process to a third party or any other bidder without any written approval from the bidder whose information is sought. Furthermore,

1.9.2. ACSA will not disclose the names of bidders until the bid process has been finalised.

1.9.3. Bidders may not disclose any information given to the bidders as part of this bid process to any third party without the written approval from ACSA. In the event that the bidder requires to consult with third parties on the bid, such third parties must complete confidentiality agreements, which should also be returned to ACSA with the bid.

**1.10. Hot – Line**

ACSA subscribes to fair and just administrative processes. ACSA therefore urges its clients, suppliers and the general public to report any fraud or corruption to:

Airports Company South Africa TIP-OFFS ANONYMOUS

Free Call: 0800 00 80 80 or 086 726 1681

Email: [office@thehotline.co.za](mailto:office@thehotline.co.za)

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## SECTION 2: BACKGROUND, PURPOSE, AND SCOPE OF WORK

### 2.1 Background and/or Purpose of this Bid

Since its inception 30 years ago, Airports Company South Africa SOC Limited (ACSA) has transformed into a focused commercial enterprise that is market-driven and customer service oriented. The company was formed in 1993 as a public company under the Companies Act of 1973, as amended, and the Airports Company Act of 1993, as amended.

ACSA operates South Africa's Nine (9) principal airports, comprised of the country's major international airports, namely, O.R. Tambo (ORTIA), Cape Town (CTIA) and King Shaka (KSIA) and the smaller regional airports, namely, Dawie Stuurman International Airport (PLZ), King Phalo Airport (ELN), George Airport (GRJ), Bram Fischer (BRAM), Kimberley Airport (KMB), Upington (UTN). ACSA's registered corporate office operates from Airport Park in Kempton Park right next to the OR Tambo International Airport.

ACSA's vision is to be the most sought-after partner in the world for the provision of sustainable airport management solutions by 2030. ACSA's strategy is to create and operate world-class airports measuring up to international standards, its strategic intent is supported by three strategic pillars, namely:

- Run Airports: Run our airports efficiently, optimally, and innovatively.  Run airports
- Develop Airports: Optimise assets and plan for new capacity and growth opportunities.  Develop airports
- Grow Footprint: Seek growth opportunities in the continent and world.  Grow footprint

The sustained growth in traffic over the years, coupled with a creative and performance focused management and leadership team have contributed to the Company's excellent financial performance over time. This has enabled the Company to transform South Africa's airports into world-class airports, delivering value for customers, stakeholders, shareholders, and employees.

ACSA is focused on creating and operating world-class airports measuring up to international standards. Numerous international awards won by certain of its airports over the years confirm that the Company has largely succeeded in this aim. This is also shown in the latest ratings for example, O.R. Tambo, Cape Town

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and King Shaka international airports rated first, second and third respectively in the Best Airport ACI-ASQ awards for Africa.

## 2.2 Purpose of this Bid

The purpose of this bid is to solicit a Bidder to develop (design and build) and operate (manage and maintain) a service station with a convenience store. Additional amenities are encouraged dependant on the site. The bidder has a choice of one, two or three of the locations:

- a. **OR Tambo International Airport** portion 187 of the Farm Witkoppie IR67 Jones Road,
- b. portion 3 of the farm Sunnyside 2620, Bloemfontein at the entrance of **Bram Fischer Airport**, and
- c. portion 60 of farm Gwayang 208 along R404, George at the entrance of the **George Airport**.

Refer to [Table 6: Site Information](#) for more detailed site information.

Respondents who are duly authorised, operating, and registered within South Africa are eligible to have their submissions evaluated.

## 2.3 Scope of Work

The scope of work details the minimum mandatory requirements expected of the Bidder by ACSA. It provides a summary of the optional amenities that may be feasible for the site which is at the discretion of the Bidder.

The Bidder will hold the blueprint for the development that is agreed upon between the Bidder and ACSA and can replicate this development if more than one site is required and awarded. The Bidder is responsible to fund the capital required for the entire development and operation. The capital estimate submission for this bid should be of a Class 2 level of definition and accuracy.

Each site will be treated as a stand-alone investment; hence the requirement is to propose a separate profit and loss statement. If the bidder is bidding for all three sites, it will, in separate cover, show the economics because of the collective investment. In such a case, the bidder's proposal will be moderated to reflect the financials of the collective investment with each site taking benefit of cost reduction (and net profit increase) in the proportion of the total revenue generated per site.

References provided will be used to confirm that the Bidder's experience (the spreadsheet is to be used to furnish ACSA with referenceable sites and contact information):

- Infrastructure developed in at least 3 provinces; and or
- Operated similar service and convenience stores establishment at a minimum of 5 sites.

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Refer to [Table 3 Form of Contract](#) for the form of contract that will be used for this undertaking.

Communication, that is requests and responses, throughout the life of these contracts is expected to be both formal and informal. The formal communication must be in writing from and to authorised designations within the respective organisations.

The Scope of Work Paragraph Structure (references are hyperlinks to the paragraph)

**Table 2: Scope of Work Paragraph Summary**

Paragraph Heading	Paragraph Number	Page Number
Mandatory Requirements	2.3.1	11
Investment Project financial viability information	2.3.1.1	11
Site Establishment and Management	2.3.1.2	14
Service Station Infrastructure which includes but limited to	2.3.1.3	16
Convenience Store includes but not limited to	2.3.1.4	16
Oversight, Reporting and Contract Management	2.3.1.5	16
Documentation	2.3.1.6	20
Proposed Optional Guidelines	2.3.2	21
Oversight, Reporting and Contract Management	2.3.2.1	21
Other Amenities, Services and Retail	2.3.2.2	21
Site Information	0	22

## 2.3.1 Mandatory Requirements

### 2.3.1.1 Investment Project financial viability information

- a) The framework of the financial information required is in the spreadsheet attached to this RFP.

The information in this section provides an estimate on the minimum income ACSA will receive

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based on your proposal. The sheet named *HowTo*, provides instructions and guidance on how to complete and use the spreadsheet. An example of a completed sheet is provided. Remember to submit an electronic version of the spreadsheet once all the details are included.

- b) Calculate an estimate of the target sale volumes of ground transportation fuel together with profit.
- c) Calculate an estimate of the sales and profit from the convenience store.
- d) Calculate an estimate of the sales and profit from all other activities, if any, from the site.
- e) Calculate the expected business growth over the duration of the concession.
- f) Calculate the total infrastructure and fixtures capital that will be employed for the duration of the concession at present day values.
- g) Calculate the percent of net profit that will be payable to ACSA on an annual basis from each site.
- h) The terms of the financial mode that ACSA will enter into with the winning Bidder(s) are:
  - 1. There will be no Capex and Opex contributions from ACSA.
  - 2. Minimum guaranteed land lease that is payable per month and escalates at eight (8%) percent per annum. At the mid-point of the concession, the land lease will be reset to prevailing market conditions (through a rental reversion process). ACSA and the Bidder will enter a minimum twenty (20) year lease with renewal option not exceeding three 5-year renewals to be exercised upon agreement by the Parties. ACSA and the Bidder will further be required to enter into a tri-partite (ACSA, Developer and Operator) lease agreement binding the three parties together.
  - 3. Profit from the sales of fuel. The winning bidder will propose to ACSA the percent profit ACSA will receive from the sale of fuel at the forecourt. A minimum threshold of 10% will be applicable for all grades of fuel. Bidders with a higher percent profit allocation to ACSA will improve their prospects of being the preferred bidder.
  - 4. Convenience store and any other amenities turnover rental of one (1%) percent minimum. Bidders with a higher percent profit allocation to ACSA will improve their prospects of being the preferred bidder.

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5. Profit proposals from additional services (e.g., Car wash, sale of LPG, courier distribution site, share-drive pick-up point) should be reflected separately and will be added to the profit-sharing proposal during the bid evaluation phase.
6. Proposal on the working capital required for the service station, convenience shop and drive through outlet will be evaluated on the proposed returns. This working capital shall be included as part of the Bidder's expenses and shall be included as part of the agreement to be concluded with the operator. The Bidder is required to provide the payback structure of this aspect according to their recommended standards ensuring that the operator is not prejudiced.
7. Working capital should be factored as part of the investment that would accrue to ACSA at the end of the concession duration.
8. Proposal on the capital required for the facilities will be evaluated on the proposed returns. The Bidder will fund this aspect of the development should returns demonstrated not meet a minimum after tax return of (13.5%) without any terminal value.
9. Estimated capital (class 2 estimate) required for the initial investment, middle of refurbishment, and other should be stipulated in the proposal. Refer to [Figure 1 AACE Classification Standard](#) and [Figure 2 AACE Estimate Class](#).
10. The appointment, training and ongoing management of the Operator remains the responsibility of the Bidder. Lease/s concluded will be a triple net lease.
11. The Bidder is to ensure that a minimum IRR after tax of (13.66%) is achieved over the lease term without including any exit or terminal value of the development costs.
12. Income generated by sale of projected fuel (petrol and diesel) sales volumes to be indicated separately.

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Figure 1 AACE Classification Standard

	AACE Classification Standard	ANSI Standard Z94.0	AACE Pre-1972	Association of Cost Engineers (UK) ACoStE	Norwegian Project Management Association (NPP)	American Society of Professional Estimators (ASPE)
INCREASING PROJECT DEFINITION ↓	Class 5	Order of Magnitude Estimate -30/+50	Order of Magnitude Estimate	Order of Magnitude Estimate Class IV -30/+30	Concession Estimate Exploration Estimate Feasibility Estimate	Level 1
	Class 4	Budget Estimate -15/+30	Study Estimate	Study Estimate Class III -20/+20	Authorization Estimate	Level 2
	Class 3		Preliminary Estimate	Budget Estimate Class II -10/+10	Master Control Estimate	Level 3
	Class 2	Definitive Estimate -5/+15	Definitive Estimate	Definitive Estimate Class I -5/+5	Current Control Estimate	Level 4
	Class 1		Detailed Estimate			Level 5
						Level 6

Figure 2 AACE Estimate Class

AACE Estimate Class	End Usage Typical Purpose	ANSI Standard Z94.0
Class 5	Concept Screening	Order of Magnitude (OOM) Estimate
Class 4	Study or Feasibility	Budget Estimate
Class 3	Budget, Authorization, or Control	
Class 2	Control or Bid	Definitive Estimate
Class 1	Check Estimate or Bid	

### 2.3.1.2 Site Establishment and Management

- The Bidder is to prepare a project management plan that includes but not limited to matters pertaining to risk management, time management, execution methodology. It should be in summary format so that the ACSA may understand the approach to delivering the infrastructure and the operations.
- The design, construction and operation of the service station and associated buildings must be delivered as part of an overall milestone delivery programme to be provided by the Bidder. ACSA airport operations cannot be affected by milestones missed and Service Providers are to therefore plan their project programmes carefully.

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A basic FIPDM project schedule is required. The format is part of the spreadsheet, and the Bidder is required to submit it. Any optimisation approach should be included in the project plan and labelled as such.

- c) Obtain the required zoning and environmental authorisations for the facilities prior to construction, during construction, prior to operation and during operation.
- d) The Bidder will ensure that the service station is compliant to all Regulation, by-laws, and industry specifications. Evidence of this together with the ongoing asset management program will be provided to ACSA prior to commencing operation.
- e) Pay any deposits and fees at the council for the Engineering Services Agreements; Occupancy Certificates; Fire and Risk Management Certificates; and other to receive clearances required.
- f) Obtain authorisation and pay for any upgrades to local infrastructure as required by Council to enable the investment.
- g) Provide any bulk services required to the site for example access road(s), water, sewer, and electricity.
- h) Provide for Stormwater Management facilities and program.
- i) Coordinate and pay for business development studies like traffic impact, market development et cetera.
- j) Develop and implement an Environment and Waste Monitoring and Management Program.
- k) Develop and implement a Quality Assurance program.
- l) Develop and implement an Asset Maintenance and Management Program.
- m) Ensure that the useful life and replacement cycle where applicable of the assets correspond with the duration of the concession agreement.
- n) Provide for the working capital and fuel stock required.
- o) During the development of the infrastructure the team is to include:
  - Consulting engineers for the design and monitoring stage.
  - Safety officer to ensure compliance with safety regulation.
  - Environmental officer to ensure compliance with environmental requirements.

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- Quantity Surveyors, Quality Assurance Inspectorate and Cost Control Specialists to ensure delivery of an asset at quality and cost.
- Suitably qualified Contractor and Sub-Contractors to execute the works.

#### **2.3.1.3 Service Station Infrastructure which includes but limited to**

- a) Forecourt structures like the canopy;
- b) Driveways and related surfaces like client parking;
- c) Fuel pumps, tanks, and associated lines;
- d) Containment slab(s);
- e) Separator pit(s);
- f) Automatic Tank Gauging (ATG) system;
- g) Forecourt Computer System;
- h) Fire detection, prevention, and firefighting infrastructure, equipment, and training; and
- i) Signage.

#### **2.3.1.4 Convenience Store includes but not limited to**

- a) Building and internal structure requirements;
- b) Furniture and fittings;
- c) Convenience Store Computer System;
- d) Signage; and
- e) Fire detection, prevention, and firefighting infrastructure, equipment, and training.

#### **2.3.1.5 Oversight, Reporting and Contract Management**

- a) The form of contract is NEC. Refer to the table for the templates.

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**Table 3 Form of Contract**

<b>The NEC Contract with ACSA applicable clauses and references.</b>	
Contract Cover Page	 C0 ECC3 Contract cover page_ACSA_202
Form of Offer & Acceptance	 C1.1 ECC3 Offer Acceptance_ACSA_202
Contractor's Contract Data	 C1.2b ECC3 Data by Contractor_ACSA_202
Employer's Contract Data	 C1.2a ECC3 Data by Employer_ACSA_2020
Pricing Data for Option A	 C2 ECC3 Pricing Data Option A_ACSA_
Pricing Data for Option B	 C2 ECC3 Pricing Data Option B_ACSA_
Pricing Data for Option C	 C2 ECC3 Pricing Data Option C_ACSA_
Pricing Data for Option D	 C2 ECC3 Pricing Data Option D_ACSA_

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<b>The NEC Contract with ACSA applicable clauses and references.</b>	
Pricing Data for Option E	 C2 ECC3 Pricing Data Option E_ACSA_
Pricing Data for Option F	 C2 ECC3 Pricing Data Option F_ACSA_
Access to Work Being Done	 27.2 Access to work being done_ACSA_ 20
Access to Site	 33.1 Access to Site_ACSA_20200416 (
Takeover Certificate	 35.3 Takeover certificate_ACSA_ 2020
Termination Certificate	 90.1 Termination certificate_ACSA_ 2020
CE Notifications and Responses	 6 Compensation events notices and re:
Delegation of Authority by Project Manager	 14.2 Delegation by Project Manager_ACSA_

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<b>The NEC Contract with ACSA applicable clauses and references.</b>	
Early Warning Notice	 16.1 early warning by Project Manager_ACS.
Completion Certificate	 30.2 Completion certificate_ACSA_2020
Pro-form Security, Bond and Guarantees	 OC1.3 ECC3 Proforma Guarantees.
E&OE	Confidential

- b) ACSA is to receive documentation and communication of all authorisations, certificates, council approvals and compliance to regulations, by-laws industry specifications et cetera as obtained and in accordance with FIPDM stages and checkpoints in electronic format in the data repository setup by ACSA that will be shared with the winning Bidder for each site. Refer to [Table 4: Documentation by Phases](#) for additional information.
- c) The Bidder will ensure that facilities remain compliant and make applications for renewal before the expiration of applicable authorisations. Electronic documents are to be loaded to the data repository referred to in paragraph 2.3.2 (b).
- d) A cost-effective approach for the development to ensure that the applicable sector CPG points model is used.
- e) When the Bidder appoints business partners and or sub-contractors in relation to this work, then the procurement process is to support the Governments' job creation objectives, empowerment and local content targets.
- f) A monitoring report will be compiled monthly by the Bidder to provide progress related information during the development phase of this project.
- g) Regular site meetings are required during the construction. Refer to [Table 5: Oversight Meetings](#) for a proposed approach and topics for discussion. Ad-hoc meetings will be scheduled from time to time to discuss specific matters – these may be prompted from the either party. The Bidder

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shall be represented at all meetings and provide secretarial services (for record keeping purposes).

- h) Although this project documents may be scrutinised by the ACSA departmental specialists, this shall in no way relieve the Bidder of their professional responsibility for the proper and prompt execution of duties.
- i) Refer to 2.3.1.5 (a) for the form of contract that will be used for this undertaking.

### 2.3.1.6 Documentation

- a) Documentation flows through the various stages is important. The stages of information required is summarised below and additional detail is provided in the annexures. The table is not exhaustive and may be altered in response to changes from authorities, agreed by the parties hereto and ACSA internal.

**Table 4: Documentation by Phases**

Phase	Purpose of the documentation	Annexure Reference	Applicable to all phases
Construction	<ul style="list-style-type: none"> <li>Provide standards, specifications, and guidelines.</li> <li>Authorising documentation required by the landowner.</li> <li>FIPDM requirement for Infrastructure Delivery.</li> </ul>	 W010MAN GIS and CAD Asset Information	 COR6975 Documentation.pdf
Operation	<ul style="list-style-type: none"> <li>Oversight, monitoring, and changes to assets.</li> <li>Contract Management.</li> <li>Overall site management by the landowner.</li> </ul>	 D060 020M Asset Modification Procedure   ME 089 Asset and Infrastructure Modification   ME 088 - Engineering Asset Modification Re	
Handover	<ul style="list-style-type: none"> <li>Concluding the contract.</li> </ul>		

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- b) Documentation that is to be shared between the parties will be stored on ACSAs servers with the winning Bidder(s) granted access and rights as the collective engage on various matters.

## 2.3.2 Proposed Optional Guidelines

### 2.3.2.1 Oversight, Reporting and Contract Management

- a) Site meetings are important during the construction phase. ACSA proposes the following, the exact combination will be finalised between the winning bidders as part of the preparation to commence construction.

**Table 5: Oversight Meetings**

	<b>Purpose and frequency</b>	<b>Discussion items</b>
Client Management Meeting	Monthly Project Progress reviews.	<ul style="list-style-type: none"> <li>• Project Progress against milestones.</li> <li>• Delays and bottlenecks.</li> <li>• Risk management.</li> <li>• Solutions to mitigate risks, assist project progress.</li> <li>• Stakeholder participation and assistance required.</li> </ul>
Technical Meeting	Fortnightly Design Development	<ul style="list-style-type: none"> <li>• Design and technical requirements</li> <li>• ACSA approval of design aspect of the work.</li> <li>• Stakeholder engagement and buy-in.</li> </ul>
Site Meetings & Inspections	Fortnightly Onsite Walkabout and Inspections	<ul style="list-style-type: none"> <li>• Contract Administration and Inspection stage of this project.</li> <li>• Observable interaction and engagement.</li> </ul>

### 2.3.2.2 Other Amenities, Services and Retail

- a) Bidders are encouraged to consider additional amenities according to their preference for example drive through food outlet.
- b) Profit proposals from additional services for example Car wash, the sales of LPG, courier distribution site, share-drive pick-up point should be reflected separately and will be added to the profit-sharing proposal during the bid evaluation phase.

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## 2.4 Site Information

Access to public areas is not restricted, however, personal access permits are required for access to restricted areas. If access is required to the restricted areas the permit application process will be followed. Access can be temporary short-term or long-term permits. Training may be required depending on the access required and these costs will be borne by the winning Bidder(s). Proposed land utilisation is indicated. The table summarises pertinent information which may be verified by the Bidder.

Table 6: Site Information

Site	OR Tambo Airport	Bram Fischer Airport	George Airport
<b>Description</b>	Portion 187 of the Farm Witkoppie No, 64-IR	Portion 3 of the Farm Sunnyside 2620	Portion 82 and 84 of the Farm Gwayang 208
<b>Overview</b>	The proposed site is located off Jones Road and is the arterial road that links the Voortrekker Road off-ramp off the R21 to the Griffiths Road off-ramp on the R24 passing the O.R Tambo International Airport. The site is opposite the SAA properties and Emperors Palace.	The airport has been identified as a key development node along the N8 corridor in terms of the Mangaung Spatial Development Framework Plan. The primary objective of this corridor is to stimulate increased economic activity in existing nodes and ignite the development of new economic nodes along the entire length of the corridor.	The site is located at the entrance of the airport along the R404. There are road network connections from the N2 and the R102. The location provides good visibility.
<b>Extent</b>	Gross Area: 4 127m <sup>2</sup>	Two sites: 4 399m <sup>2</sup>	Gross Area: 4 292m <sup>2</sup>  Developable Area: 3 219m <sup>2</sup>
<b>Aerial Layouts</b>	 Site information.pdf		

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### **PRICING SCHEDULE UNDER FORM 5 OF THE RETURNABLE DOCUMENTS**

Bidders must only price in accordance with the pricing schedule above, this will enable ACSA to compare priced offers. Failure to submit a priced offer using the prescribed schedule will make the bid liable for disqualification.

## **SECTION 3: EVALUATION CRITERIA**

### **3.1 Evaluation Criteria**

- 3.1.1 ACSA will use a pre-determined evaluation criterion when considering received bids. The evaluation criteria will consider the commitment made under Mandatory administrative, Functionality/ Price and B-BBEE. During the evaluation of received bids ACSA will make an assessment whether all the bids comply with set minimum requirements and whether all returnable documents/information have been submitted. Bidders which fail to meet minimum requirements, thresholds or have not submitted required mandatory documents will be disqualified from the bid process.
- 3.1.2 The requirements of any given stage must be complied with prior to progression to the next stage. ACSA reserves the right to disqualify bidders without requesting any outstanding document/information.

### **3.2 A staged approach will be used to evaluate bids and the approach will be as follows:**

<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Stage 4</b>	<b>Stage 5</b>	<b>Stage 6</b>
Check if all the documents have been received.	Mandatory Requirements	Evaluate on functionality or the technical aspect of the bid.	Evaluate price and Preference (B-BBEE)	Post tender negotiations. (If needed)	*Security Vetting (If needed)

\*Security vetting if deemed necessary.

### **3.3 Mandatory Requirements**

A list of mandatory returnable documents must be consulted to understand which documents are required at the closing date and time. Further, to the mandatory returnable documents/information ACSA will only consider bidders which have:

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1. Declaration of Interest Form and Politically Exposed Persons - **FORM 5.1**

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2. SBD 4 Bidder's Disclosure Form – **FORM 5.2**

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3. SBD 6.1 Preference Points Claim Form – **FORM 5.3**

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4. Acceptance of ACSA terms and Conditions of Bid **FORM 5.6.**

---

5. Duly filled in Pricing Schedule for the offer – **FORM 5.**

---

6. Proof that the oil company is duly registered with the Department of Energy.

---

7. Confirmation of partnership agreement from a convenience store and fast-food drive through brand

---

8. Detailed process for the appointment of an operator for the development

---

**NB: No Bid will be awarded to any person whose tax matters have not been declared in order by South African Revenue Service.**

**No award will be made to an entity which is not registered on the CSD (Central Supplier Database) with National Treasury. Bidders must supply their unique number.**

### 3.4 Local Content and Production

Not Applicable

### 3.5 Functionality

The functionality evaluation will be conducted by the end-user/operations/the Tender Preparation and Evaluation Committee which comprises of various skilled and experienced members from diverse professional disciplines. The evaluation process will be based on functionality criteria. The criteria will be as follows:

#### Functionality Evaluation Criteria

Points allocated for Functionality shall be evaluated in accordance with the criteria as listed below. **The Bidder must score at least the minimum score per criterion and the overall minimum of 62 out of 100 points to be eligible for further evaluation on Price and B-BBEE (90/10 split)**

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**FUNCTIONALITY TABLE**
**Table 7 Functional Evaluation Scoring**

Number	Evaluation Criteria		Points per criteria	Minimum points	Maximum points
				15	20
1		<b>Number of Service Stations operated by the Bidder within South Africa.</b>			
		Ensure that the sheet References has been completed – the information is used to determine the point allocations in this section.			
	Operating less than five service stations. <5		0	15	20
	Bidder operates five service stations. =5		15		
5 Points for each additional service station the Bidder operates above five. >5		20			
2		<b>Quality of development proposal.</b>			
				15	20
	<b>The proposal has the Project Plan and Business plan only (0.5 point per item)</b> Project plan: <ul style="list-style-type: none"><li>• Overview of the proposal</li><li>• Key highlights</li><li>• Objectives</li><li>• Description of Service Station services</li><li>• Engineering Team organogram</li></ul> Business plan: <ul style="list-style-type: none"><li>• Competitor analysis</li><li>• Target market</li><li>• Market opportunity</li><li>• Implementation plan</li><li>• Sensitivity Analysis (Optimistic, Realistic and Pessimistic Scenarios)</li></ul>		5	15	20

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Number	Evaluation Criteria		Points per criteria	Minimum points 15	Maximum points 20
	<b>In addition to the Project Plan and Business Plan above, Technical Details included:</b> (2 points per item) <ul style="list-style-type: none"><li>Types of Fuel to be offered.</li><li>Fuel storage capacity and tanks.</li><li>Dispensing pumps and equipment specs.</li><li>Health and safety plan.</li><li>Environmental management plan.</li></ul>		10		
	<b>In addition to the Project Plan and Business Plan above, Concept Design included:</b> (1 points per item) <ul style="list-style-type: none"><li>Rough layout sketch.</li><li>Basic architectural concept.</li><li>Internal layout of the convenience store.</li><li>Traffic flow diagram or explanation.</li><li>Examples of Signage and or Branding.</li></ul>		5		
3		<b>Construction schedule for the service station with a convenience store</b>  1530			
	Construction schedule for the service station and convenience store only. (Traditional sequential scheduling)		15	15	30
	Construction schedule for the service station, convenience store that has been optimised		30		
4		<b>Bidder's Experience – the number of similar projects</b>  Ensure that the sheet References has been completed – the information is used to determine the point allocations in this section.  1220			
	The Bidder has completed 5 or less projects that are similar to the proposed project		0	12	20
	The Bidder has completed 6 (2 points per similar project)		12		

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Number	Evaluation Criteria	Points per criteria	Minimum points <b>15</b>	Maximum points <b>20</b>
	The Bidder has more than 6 projects that are similar to the proposed project (2 points per similar project)	20		
5	<b>Development Proposed</b>		<b>5</b>	<b>10</b>
	Service Station with Convenience Store	5	5	10
	Amenities to the Service Station with a Convenience Store	10		
	<b>TOTAL</b>	<b>62</b>		<b>100</b>

### 3.6 Price and Preference

This is the final stage of the evaluation process and will be based on the PPPFA preference point system of **90/10**. Price will amount to **90 points**, whilst preference will be **10 points**. The award of business will be made to a bidder which has scored the highest overall points for this stage of the evaluation, unless objective criteria exist, justifying an award to another bidder or ACSA splits the award or cancels the bid, *etcetera*.

A maximum of 90 points is allocated for price based on the following formulae.

$$Ps = 90 \left( 1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where:

Ps	=	Points scored for price of tender under consideration
Pt	=	Price of tender under consideration
Pmax	=	Price of highest acceptable tender

Please refer to **Pricing Instructions and Schedule (FORM 5)**

Bidders are requested to submit B-BBEE certificates. In the event of a tie-on points for two or more bidders,

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the contract will be awarded to a bidder/s that scored the highest points for specific goals. If two or more entities score the same points for specific goals, the award will be decided by drawing of lots.

### Identification of Preference Point System.

In terms of Regulation 3 (1 and 2) of the Preferential Procurement Regulations of 2022:

- A. An organ of state must, in the tender documents, stipulate—
- (a) the applicable preference point system as envisaged in regulations 4, 5, 6 or 7;
  - (b) the specific goal in the invitation to submit the tender for which a point may be awarded, and the number of points that will be awarded to each goal, and proof of the claim for such goal.
- B. If it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system: or
  - (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

The following goals as per ACSA's Transformation Policy will form part of this bid/tender. In terms of this bid/tender, Preference points will be awarded in terms of the table below:

Item	Category	Specific Goals	Score
			20
4.	COMMERCIAL	51% owned by Black male and Black women and Black youth and People living with disabilities	20
		51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must be achieved)	15
		51% owned by Black male or Black women or Black youth or People living with disabilities	10
		Less than 51% owned by Black male, Black women, Black youth, People living with disabilities	5
		Other	0

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ACSA shall require minimum target sub-contracting of 30% for tenders/bids above R30 million. ACSA shall apply sub- contracting to advance designated groups in favor of Exempted Micro Enterprises (EME) and Qualifying Small Entities (QSE).

Bidders must submit their valid Broad Based Black Economic Empowerment (B-BBEE) Certificates together with the supporting documentation (workings) of the certificate. Bidders who qualify as EMEs in terms of the B-BBEE Act must submit an affidavit stating its annual turnover, certificate issued by an Accounting Officer as contemplated in the CCA or a Verification Agency accredited by SANAS or a Registered Auditor. Registered auditors do not need to meet the prerequisite for IRBA's approval for the purpose of conducting verification and issuing EMEs with B-BBEE Status Level Certificates.

- (a) Bidders other than EMEs must submit their original and valid B-BBEE status level verification certificate or a certified copy thereof, substantiating their B-BBEE rating issued by a Registered Auditor approved by IRBA or a Verification Agency accredited by SANAS. QSEs have an additional option of submitting a sworn affidavit as its B-BBEE certificate in terms of the amendments to the B-BBEE Codes of Good Practice in 2013.
- (b) A trust, consortium, or joint venture will qualify for points for their B-BBEE status level as a legal entity, provided that the entity submits their B-BBEE status level certificate.
- (c) A trust, consortium or joint venture will qualify for points for their B-BBEE status level as an unincorporated entity, provided that the entity submits their consolidated B-BBEE scorecard as if they were a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid.
- (d) Tertiary institutions and public entities will be required to submit their B-BBEE status level certificates in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.
- (e) A consortium or joint venture must provide a joint venture agreement.
- (f) In the event that there is a split up / break away / termination of the partnership / joint venture / consortium, your appointment to the panel will be terminated.
- (g) The certificate must be in the bidder's name, where the service is subcontracting (through sub- contracting / joint venture); the bidder must also attach the PSIRA certificate of the sub-contract or the JV partner.

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- (h) The certificate must be in both the bidders name and the appointed sub-contractor. In the case the service is sub-contracted the bidder must attach the documentation confirming the JV or sub-contractor.
- (i) In the event a trust, JV, sub-contracting, or consortium exists the principal contractor, each need to submit mandatory legislative requirements documentation as per mandatory requirements.
- (j) A person will not be awarded points for B-BBEE status level if it is indicated in the bid documents that such a bidder intends sub-contracting more than 30% of the value of the contract to any other enterprise that does not qualify for at least the points that such a bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.
- (k) A person awarded a contract may not sub-contract more than 30% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract.

## Declaration:

I/we, \_\_\_\_\_ in my/our capacity as \_\_\_\_\_ of the Tendering Company namely \_\_\_\_\_ do hereby confirm that the Tendering Company will outsource/sub-contract at least 30% of the value of the contract (total of the prices) to Exempted Micro Enterprises (EME) and/or Qualifying Small Enterprises (QSE) which are at least 51% owned by Black People for the duration of the contract, should the Tendering company be successful with this bid and be appointed as the Main Contractor.

We acknowledge that these terms will form part of the contractual requirements.

## 3.7 Objective Criteria

Not Applicable

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## SECTION 4: RETURNABLE DOCUMENTS

### 4.1 Mandatory Returnable documents

ACSA will disqualify from the bid process any bidder that has failed to submit mandatory returnable documents and information. Bidders should therefore ensure that all the mandatory returnable documents and information have been submitted. In order to assist bidders, ACSA has also included a column next to the required mandatory document and information to enable bidders to keep track of whether they have submitted or not. The mandatory documents and information are as follows:

<b>MANDATORY RETURNABLE DOCUMENTS AND INFORMATION</b>	<b>SUBMITTED [Yes or No]</b>
<b>FORM 5:</b> <i>Priced offer as per Pricing Instruction and Schedule</i>	
<b>FORM 5.1:</b> <i>Declaration of Interest Form and Politically Exposed Persons</i>	
<b>FORM 5.2:</b> <i>SBD 4 Bidder's Disclosure Form</i>	
<b>FORM 5.3:</b> <i>SBD 6.1 Preference Points Claim Form</i>	
<b>FORM 5.4:</b> <i>SBD 6.2 Declaration for local content and production for PPPFA designated sectors – <b>NOT APPLICABLE</b></i>	
<b>FORM 5.5:</b> <i>Confidentiality and Non- Disclosure Agreement</i>	
<b>FORM 5.6:</b> <i>Acceptance of Terms and Conditions of RFP And Bidder's Particulars</i>	
<b>FORM 5.7:</b> <i>Certificate of Authority to Sign Tender</i>	
<b>FORM 5.8:</b> <i>Certificate of Authority of Joint Ventures (where applicable)</i>	
<b>FORM 5.9:</b> <i>Joint Venture (JV) Agreement (If applicable)</i>	
<b>FORM 5.10:</b> <i>Pro Forma Concession Agreement</i>	
<b>FORM 5.11</b> <i>All Mandatory Criteria required as per section 3.3 of this tender document</i>	

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<b>MANDATORY RETURNABLE DOCUMENTS AND INFORMATION</b>	<b>SUBMITTED [Yes or No]</b>
<b>FORM 5.12:</b> <i>All Functional Criteria Documents as per section 3.5 of this Tender Document</i>	

#### 4.2 Other Returnable Documents and information

These types of documents and information are required but are not mandatory or are only mandatory at specific stages of the process. ACSA may request bidders to submit these documents or information after the closing date and time or might already have them on the system. Where a document or information is only mandatory at a specific stage in the process, ACSA may only disqualify a bidder for non-submission at that stage and after reasonable efforts were made to request the document from the bidder. The documents are as follows:

<b>OTHER RETURNABLE DOCUMENTS AND INFORMATION</b>	<b>SUBMITTED [Yes or No]</b>
<b>FORM 5.13:</b> <i>Company profile, executive summary, and organogram</i>	
<b>FORM 5.14:</b> <i>BEE Certificate and Scorecard</i>	
<b>FORM 5.15:</b> <i>Tax Pin number (ACSA may not award to a bidder whose tax affairs have not been declared to be in order by SARS)</i>	
<b>FORM 5.16:</b> <i>Certified Copies of Identity documents of Directors, / Trustees / Members / Shareholders and Senior management</i>	
<b>FORM 5.17:</b> <i>Certificate of Incorporation</i>	
<b>FORM 5.18:</b> <i>Central Supplier Database Report (CSD)</i>	
<b>FORM 5.19:</b> <i>Latest audited financial statements/management accounts</i>	

#### 4.3 Validity of submitted information.

Bidders must ensure that any document or information which has been submitted in pursuance to this bid remains valid for the duration of the contract period (in the event where a validity document expires an

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updated document must be submitted). The duty is on the bidder to provide updated information to ACSA immediately after such information has changed.

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## SECTION 5: RETURNABLE DOCUMENTS

### FORM 5: PRICING SCHEDULE

The pricing schedule must be completed on the spreadsheet. The sheets that form part of the Bidder's submission are to be initialled or stamped on the footer of each page. The electronic or soft copy of the document is to accompany the submission as a separate file.



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ORFP%20ResponseTei

**Table 8: Pricing Information Summary**

Sheet reference	Purpose	Bidder's response
HowTo	To guide the Bidder in completing the applicable sheets.	Use this sheet to guide on how to use the spreadsheet; information to include, where calculations will be done once your input is provided.
Example	To provide a reference to a completed spreadsheet	For reference and guidance to the Bidder.
Summary	To consolidate and provide pertinent information for example the Sites that the Bidder's proposal includes.	Complete the information as directed on the HowTo sheet and or using the guidance provided in the cells of the spreadsheet.
OR Tambo	To respond to the OR Tambo Site	<p>If this site is NOT part of your submission, then indicate this by ensuring the "N" is in row 2 cell I (the response cell for Proposal for OR Tambo Airport (Y/N)).</p> <p>Otherwise complete the spreadsheet as required. Note that the cells are locked where you are not required to change details.</p>

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Sheet reference	Purpose	Bidder's response
Bram Fischer	To respond to the Bram Fischer Site	<p>If this site is NOT part of your submission, then indicate this by ensuring the "N" is in row 2 cell I (the response cell for Proposal for Bram Fischer Airport (Y/N)).</p> <p>Otherwise complete the spreadsheet as required. Note that the cells are locked where you are not required to change details.</p>
George	To respond to the George Site	<p>If this site is NOT part of your submission, then indicate this by ensuring the "N" is in row 2 cell I (the response cell for Proposal for George Airport (Y/N)).</p> <p>Otherwise complete the spreadsheet as required. Note that the cells are locked where you are not required to change details.</p>
References	To provide reference information	<p>For references that the Bidder encourages the evaluation team to contact, the Bidder is to include contact details in the appropriate space provided.</p> <p>For references where the Bidder has performed work and or services that indicates developer and or operator experience only, the Bidder may omit the contact details.</p>
Documentation	To provide a list of ACSA standard handover documents	The bidder is required to note the type of documents that ACSA requires during the various stages of the engagements with the successful Bidder(s). No action is required for the proposal stage.

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## FORM 5.1: DECLARATION OF INTEREST AND POLITICALLY EXPOSED PERSONS FORM

### Making a Declaration

Any legal person or persons having a relationship with persons employed by ACSA, including a blood relationship, may submit a bid in terms of this tender document. In view of possible allegations of unfairness, should the resulting bid, or part thereof, be awarded to persons connected with or related to ACSA employees, it is required that the bidder or his/her authorised representative declare his/her position in relation to ACSA employees or any member of the evaluation or adjudication committee which will consider bids.

ACSA requires all bidders to declare that they have not acted in any manner inconsistent with the law, policy, or fairness. Furthermore, ACSA requires bidders to declare if they have Politically Exposed Persons (PEP) also known as Domestic Prominent Influential Persons (DPIP) in their organisation. See below definition of PEP/DPIP.

Politically Exposed Persons or DPIP are individuals who are or have been entrusted with prominent public functions in the country or a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state-owned corporations, important political party officials. Business relationships with family members or close associates of PEPs involve reputational risks similar to those with PEPs themselves. PEP status in the following areas shall be declared:

- Current or former senior official in the executive, legislative, administrative, military, or judicial branch of government or foreign government (elected or not)
- A senior official of a major political party or major foreign political party;
- A senior executive of government owned commercial enterprise
- or a foreign government owned commercial enterprise, being a corporation, business or other entity formed by or for the benefit of any such individual;
- A related and or inter-related immediate member of such individual; meaning spouse, parents, siblings, children, and spouse's parents or siblings etc

#### 5.1.1 All bidders must complete a declaration of interest form below:

Full name of the bidder or representative of  
the bidding entity

Identity Number

Position held in the bidding entity

Registration number of the bidding entity

Tax Reference number of the bidding entity

VAT Registration number of the bidding entity

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I/We certify that there is / no PEP/DPIP conflict of interest/ no relationship between the bidding entity or any of its shareholders / directors / owner / member / partner/ senior management with any ACSA employee or official.

Where a relationship or PEP/DPIP conflict of interest exists, please provide details of the ACSA employee or official and the extent of the relationship below

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### PEP/DPIP Declaration

DPIP/PEP Declaration for self/family member or close associate:

Nature of Political Exposure	Term of the office	Description of activities relating to political exposure

Full Names of Directors / Trustees / Members / Shareholders/ Senior Management of the bidding entity

Full Name	Identity Number	Personal Income Tax Reference Number

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5.1.2.I/We declare that we have not acted in any manner which promotes unfairness, contravenes any law or is against public morals. We further certify that we will in full compliance of this tender terms and conditions as well as ACSA policies in the event that we are successful in this tender.

**Declaration:**

I/We the undersigned \_\_\_\_\_ (Name) hereby certify that the information furnished in this tender document is true and correct. We further certify that we understand that where it is found that we have made a false declaration or statement in this tender, ACSA may disqualify our bid or terminate a contract we may have with ACSA where we are successful in this tender.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position

\_\_\_\_\_  
Name of bidder

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## 5. 2 BIDDER'S DISCLOSURE FORM SBD 4

### 1. PURPOSE OF THE FORM

Any person (natural or juristic) may make an offer or offers in terms of this invitation to bid. In line with the principles of transparency, accountability, impartiality, and ethics as enshrined in the Constitution of the Republic of South Africa and further expressed in various pieces of legislation, it is required for the bidder to make this declaration in respect of the details required hereunder.

Where a person/s are listed in the Register for Tender Defaulters and / or the List of Restricted Suppliers, that person will automatically be disqualified from the bid process.

### 2. Bidder's declaration

2.1 Is the bidder, or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest<sup>1</sup> in the enterprise, employed by the state? **YES/NO**

2.1.1 If so, furnish particulars of the names, individual identity numbers, and, if applicable, state employee numbers of sole proprietor/ directors / trustees / shareholders / members/ partners or any person having a controlling interest in the enterprise, in table below.

Full Name	Identity Number	Name of State institution

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2.2 Do you, or any person connected with the bidder, have a relationship with any person who is employed by the procuring institution?  
**YES/NO**

2.2.1 If so, furnish particulars:

.....  
.....

2.3 Does the bidder or any of its directors / trustees / shareholders / members / partners or any person having a controlling interest in the enterprise have any interest in any other related enterprise whether or not they are bidding for this contract?  
**YES/NO**

2.3.1 If so, furnish particulars:

.....  
.....

### 3 DECLARATION

I, the undersigned, (name)..... in submitting the accompanying bid, do hereby make the following statements that I certify to be true and complete in every respect:

- 3.1 I have read and I understand the contents of this disclosure;
- 3.2 I understand that the accompanying bid will be disqualified if this disclosure is found not to be true and complete in every respect;
- 3.3 The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium<sup>2</sup> will not be construed as collusive bidding.
- 3.4 In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications, prices, including methods, factors or formulas used to calculate prices, market allocation, the intention or decision to submit or not to submit the bid, bidding with the intention not to win the bid and conditions or delivery particulars of the products or services to which this bid invitation relates.
- 3.4 The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening or of the awarding of the contract.
- 3.5 There have been no consultations, communications, agreements or arrangements made by the bidder with any official of the procuring institution in relation to this procurement process prior to and during the

<sup>2</sup> Joint venture or Consortium means an association of persons for the purpose of combining their expertise, property, capital, efforts, skill and knowledge in an activity for the execution of a contract.

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bidding process except to provide clarification on the bid submitted where so required by the institution; and the bidder was not involved in the drafting of the specifications or terms of reference for this bid.

- 3.6 I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 and or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and or may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

I CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPHS 1, 2 and 3 ABOVE IS CORRECT.

I ACCEPT THAT THE STATE MAY REJECT THE BID OR ACT AGAINST ME IN TERMS OF PARAGRAPH 6 OF PFMA SCM INSTRUCTION 03 OF 2021/22 ON PREVENTING AND COMBATING ABUSE IN THE SUPPLY CHAIN MANAGEMENT SYSTEM SHOULD THIS DECLARATION PROVE TO BE FALSE.

.....	.....
Signature	Date
.....	.....
Position	Name of bidder

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**FORM 5.3 PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022 SBD 6.1**

This preference form must form part of all bids invited. It contains general information and serves as a claim form for preference points.

**NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF BEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.**

**1. GENERAL CONDITIONS**

1.1 The following preference point systems are applicable to all bids:

- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
- the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2

a) The value of this bid is estimated to NOT **exceed R 50 000 000** (all applicable taxes included) and therefore the **80/20 preference** point system shall be applicable: or

b) The **20-preference** point system will be applicable to this bid

1.3 Points for this bid shall be awarded for:

- (a) Price; and
- (b) Preference.

1.4 The maximum points for this bid are allocated as follows:

	POINTS
<b>PRICE</b>	<b>80</b>
<b>PREFERENCE</b>	<b>20</b>
<b>Total points for Price and Preference must not exceed</b>	<b>100</b>

1.5 Failure on the part of a bidder to submit proof of Preference supporting documents together with the bid, will be interpreted to mean that preference points are not claimed.

1.6 The ACSA reserves the right to require of a bidder, either before a bid is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by ACSA.

**2. DEFINITIONS**

(a) **“B-BBEE”** means broad-based black economic empowerment as defined in section 1 of the Broad-

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Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

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Based Black Economic Empowerment Act;

- (b) **“bid”** means a written offer in a prescribed or stipulated form in response to an invitation by an organ of state for the provision of works, goods or services, through price quotations, advertised competitive bidding processes or proposals;

**“Broad-Based Black Economic Empowerment Act”** means the Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

- (c) **“EME”** means an Exempted Micro Enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

- (d) **“functionality”** means the ability of a bidder to provide works, goods or services in accordance with specifications as set out in the bid documents.

**“prices”** includes all applicable taxes less all unconditional discounts;

- (e) **“proof of B-BBEE status level of contributor”** means:

- 1) B-BBEE Status level certificate issued by an authorized body or person;
- 2) A sworn affidavit as prescribed by the B-BBEE Codes of Good Practice;
- 3) Any other requirement prescribed in terms of the B-BBEE Act;

- (f) **“QSE”** means a qualifying small business enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9 (1) of the Broad-Based Black Economic Empowerment Act;

**“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;

### 3. POINTS AWARDED FOR PRICE

#### 3.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

**80/20**

**or**

**90/10**

$$P_s = 80 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

**or**

$$P_s = 90 \left( 1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where

$P_s$  = Points scored for price of bid under consideration

$P_t$  = Price of bid under consideration

$P_{\min}$  = Price of lowest acceptable bid

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#### 4. POINTS AWARDED FOR PREFERENCE

- 4.1 In terms of Regulation 6 (2) and 7 (2) of the Preferential Procurement Regulations, preference points must be awarded to a bidder for being in accordance with the table below:

Specific Goals	Score	
	20	10
51% owned by Black male and Black women and Black youth and People living with disabilities	20	10
51% owned by Black male or Black women or Black youth or People living with disabilities (at least two of the above designated groups must achieved)	15	8
51% owned by Black male or Black women or Black youth or People living with disabilities	10	6
Less than 51% owned by Black male, Black women, Black youth, People living with disabilities	5	4
Other	0	0

#### 5. PREFERENCE CLAIMED IN TERMS OF PARAGRAPHS 1.4 AND 4.1

- 5.1 Preference: . = .....(maximum of 10 or 20 points)

(Points claimed in respect of paragraph 7.1 must be in accordance with the table reflected in paragraph 4.1 and must be substantiated by relevant proof of audited Shareholders Certificates, and B-BBEE Certificate and Scorecard, or Sworn BEE Affidavit in line with the relevant B-BBEE Sector Code.

#### 6. DECLARATION WITH REGARD TO COMPANY/FIRM

6.1 Name of company/firm:.....

6.2 VAT registration number:.....

6.3 Company registration number:.....

6.4 TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One person business/sole propriety
- ☐ Close corporation
- ☐ Company
- ☐ (Pty) Limited
- ☐ Foreign Company (Not Registered in South Africa)

[TICK APPLICABLE BOX]

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6.5 DESCRIBE PRINCIPAL BUSINESS ACTIVITIES

.....

.....

.....

6.6 COMPANY CLASSIFICATION *[TICK APPLICABLE BOX]*

- ☐ Manufacturer
- ☐ Supplier
- ☐ Professional service provider
- ☐ Other service providers, e.g. transporter, etc.

6.7 Total number of years the company/firm has been in business:.....

I/we, the undersigned, who is / are duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the audited Shareholders Certificate, the BEE Scorecard, or Sworn BEE Affidavit indicated in paragraphs 1.4 and 6.1 of the foregoing certificate, qualifies the company/ firm for the preference(s) shown and I / we acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 6.1, the contractor may be required to furnish documentary proof to the satisfaction of ACSA that the claims are correct;

If the audited Shareholders Certificate, the BEE Scorecard, or Sworn BEE Affidavit has been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, ACSA may, in addition to any other remedy it may have –

- (a) disqualify the person from the bidding process;
- (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct; and
- (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation.

WITNESSES

1. ....
2. ....

.....

SIGNATURE(S) OF BIDDERS(S)

DATE: .....

ADDRESS .....

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## 5.4 DECLARATION CERTIFICATE FOR LOCAL PRODUCTION AND CONTENT FOR DESIGNATED SECTORS SBD 6.2 *(Not applicable)*

This Standard Bidding Document (SBD) must form part of all bids invited. It contains general information and serves as a declaration form for local content (local production and local content are used interchangeably).

the South African Bureau of Standards (SABS) approved technical specification number SATS 1286:2011 (Edition 1) and the Guidance on the Calculation of Local Content together with the Local Content Declaration Templates [Annex C (Local Content Declaration: Summary Schedule), D (Imported Content Declaration: Supporting Schedule to Annex C) and E (Local Content Declaration: Supporting Schedule to Annex C)].

### 1. General Conditions

- 1.1. Preferential Procurement Regulations, 2017 (Regulation 8) make provision for the promotion of local production and content.
- 1.2. Regulation 8.(2) prescribes that in the case of designated sectors, organs of state must advertise such tenders with the specific bidding condition that only locally produced or manufactured goods, with a stipulated minimum threshold for local production and content will be considered.
- 1.3. Where necessary, for tenders referred to in paragraph 1.2 above, a two stage bidding process may be followed, where the first stage involves a minimum threshold for local production and content and the second stage price and B-BBEE.
- 1.4. A person awarded a contract in relation to a designated sector, may not sub-contract in such a manner that the local production and content of the overall value of the contract is reduced to below the stipulated minimum threshold.
- 1.5. The local content (LC) expressed as a percentage of the bid price must be calculated in accordance with the SABS approved technical specification number SATS 1286: 2011 as follows:

$$LC = [1 - x / y] * 100$$

Where

x is the imported content in Rand

y is the bid price in Rand excluding value added tax (VAT)

Prices referred to in the determination of x must be converted to Rand (ZAR) by using the exchange rate published by South African Reserve Bank (SARB) at 12:00 on the date of advertisement of the bid as indicated in paragraph 4.1 below.

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The SABS approved technical specification number SATS 1286:2011 is accessible on [http://www.thedti.gov.za/industrial development/ip.jsp](http://www.thedti.gov.za/industrial%20development/ip.jsp) at no cost.

1.6. A bid may be disqualified if this Declaration Certificate and the Annex C (Local Content Declaration: Summary Schedule) are not submitted as part of the bid documentation;

2. The stipulated minimum threshold(s) for local production and content (refer to Annex A of SATS 1286:2011) for this bid is/are as follows:

<u>Description of services, works or goods</u>	<u>Stipulated minimum threshold</u>
xxxxx	xx%

3. Does any portion of the goods or services offered have any imported content?

(Tick applicable box)

YES		NO	
-----	--	----	--

3.1 If yes, the rate(s) of exchange to be used in this bid to calculate the local content as prescribed in paragraph 1.5 of the general conditions must be the rate(s) published by SARB for the specific currency at 12:00 on the date of advertisement of the bid.

The relevant rates of exchange information is accessible on [www.reservebank.co.za](http://www.reservebank.co.za)

Indicate the rate(s) of exchange against the appropriate currency in the table below (refer to Annex A of SATS 1286:2011):

Currency	Rates of exchange
US Dollar	
Pound Sterling	
Euro	
Yen	
Other	

NB: Bidders must submit proof of the SARB rate (s) of exchange used.

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3. Where, after the award of a bid, challenges are experienced in meeting the stipulated minimum threshold for local content the dti must be informed accordingly in order for the dti to verify and in consultation with the AO/AA provide directives in this regard.

**LOCAL CONTENT DECLARATION**  
**(REFER TO ANNEX B OF SATS 1286:2011)**

**LOCAL CONTENT DECLARATION BY CHIEF FINANCIAL OFFICER OR OTHER LEGALLY RESPONSIBLE PERSON NOMINATED IN WRITING BY THE CHIEF EXECUTIVE OR SENIOR MEMBER/PERSON WITH MANAGEMENT RESPONSIBILITY (CLOSE CORPORATION, PARTNERSHIP OR INDIVIDUAL)**

**IN RESPECT OF BID NO. ....**

**ISSUED BY:** (Procurement Authority / Name of Institution):  
.....

**NB**

- 1 The obligation to complete, duly sign and submit this declaration cannot be transferred to an external authorized representative, auditor or any other third party acting on behalf of the bidder.
- 2 Guidance on the Calculation of Local Content together with Local Content Declaration Templates (Annex C, D and E) is accessible on <http://www.thdti.gov.za/industrial development/ip.jsp>. Bidders should first complete Declaration D. After completing Declaration D, bidders should complete Declaration E and then consolidate the information on Declaration C. **Declaration C should be submitted with the bid documentation at the closing date and time of the bid in order to substantiate the declaration made in paragraph (c) below.** Declarations D and E should be kept by the bidders for verification purposes for a period of at least 5 years. The successful bidder is required to continuously update Declarations C, D and E with the actual values for the duration of the contract.

I, the undersigned, ..... (full names),

do hereby declare, in my capacity as .....

of .....(name of bidder entity), the following:

- (a) The facts contained herein are within my own personal knowledge.
- (b) I have satisfied myself that:
  - (i) the goods/services/works to be delivered in terms of the above-specified bid comply with the minimum local content requirements as specified in the bid, and as measured in terms of SATS 1286:2011; and

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- (c) The local content percentage (%) indicated below has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E which has been consolidated in Declaration C:

Bid price, excluding VAT (y)	R
Imported content (x), as calculated in terms of SATS 1286:2011	R
Stipulated minimum threshold for local content (paragraph 3 above)	
Local content %, as calculated in terms of SATS 1286:2011	

**If the bid is for more than one product, the local content percentages for each product contained in Declaration C shall be used instead of the table above.**

**The local content percentages for each product has been calculated using the formula given in clause 3 of SATS 1286:2011, the rates of exchange indicated in paragraph 4.1 above and the information contained in Declaration D and E.**

- (d) I accept that the Procurement Authority / Institution has the right to request that the local content be verified in terms of the requirements of SATS 1286:2011.
- (e) I understand that the awarding of the bid is dependent on the accuracy of the information furnished in this application. I also understand that the submission of incorrect data, or data that are not verifiable as described in SATS 1286:2011, may result in the Procurement Authority / Institution imposing any or all of the remedies as provided for in Regulation 14 of the Preferential Procurement Regulations, 2017 promulgated under the Preferential Policy Framework Act (PPPFA), 2000 (Act No. 5 of 2000).

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 1** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS No. 2** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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**Form 5.5: CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT**

between

**AIRPORTS COMPANY SOUTH AFRICA SOC LIMITED**

(Registration No. 1993/004149/30)

**(“Airports Company”)**

of

Western Precinct, Aviation Park

O.R. Tambo International Airport

1 Jones Road

Kempton Park

1632

**AND**

**[NAME OF SERVICE PROVIDER]**

(Registration No: \_\_\_\_\_)

(“\_\_\_\_\_”)

of

[Service Providers Address]

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## 1. **INTERPRETATION**

In this agreement -

- 1.1 "confidential Information" – is information which is confidential to the disclosing party, and includes whether in written, graphic, oral, proprietary, tangible, intangible, electronic or other form, and, -
  - 1.1.1 any information in respect of know-how, formulae, statistics, processes, systems, business methods, marketing, trading and merchandising methods and information, promotional and advertising plans and strategies, pricing, financial plans and models, inventions, long-term plans, research and development data, user or consumer/ customer data and profiles, ideas, computer programmes, drawings and any other information of confidential nature of the disclosing party, in whatever form it may be;
  - 1.1.2 the contractual business and financial arrangements of the disclosing party and others with whom it has business arrangements of whatever nature;
  - 1.1.3 all information peculiar to the business of the disclosing party which is not readily available to a competitor of the disclosing party in the ordinary course of business;
  - 1.1.4 the fact of and content of any discussions between the disclosing party and the receiving party as well as the existence and content of any agreement, which may be concluded between the disclosing party and the receiving party;
  - 1.1.5 all other matters of a confidential nature which relate to the disclosing party's business;
  - 1.1.6 generally, information which is disclosed in circumstances of confidence or would be understood by the parties, exercising reasonable business judgement, to be confidential;
  - 1.1.7 all information of whatsoever nature relating to the disclosing party as contemplated in 2.1 below; but does not include information which -
  - 1.1.8 is or hereafter becomes part of the public domain, otherwise than as a result of a breach or default of the receiving party or of a representative or affiliate of the receiving party;
  - 1.1.9 can be shown to have been lawfully in the possession of the receiving party or its affiliates or consultants prior to its disclosure and is not subject to an existing agreement between the disclosing party and the receiving party;
  - 1.1.10 is acquired by the receiving party independently from a third party who lawfully acquired such information without restriction and who had not previously obtained the confidential information directly or indirectly under a confidentiality obligation from the disclosing party;
  - 1.1.11 is acquired or developed by the receiving party independently of the disclosing party and in circumstances which do not amount to a breach of the provisions of this agreement;

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is disclosed or released by the receiving party to satisfy an order of a court of competent jurisdiction or to otherwise comply with the provisions of any law or regulation in force at the time or the requirements of any recognised stock exchange; provided that, in these circumstances, the receiving party shall inform the disclosing party of the requirement to disclose prior to making the disclosure and provided further that the receiving party will disclose only that portion of the confidential information which it is legally required to so disclose; and the receiving party will use its reasonable endeavours to protect the confidentiality of such information to the widest extent lawfully possible in the circumstances (and shall co-operate with the disclosing party if it elects to contest any such disclosure);

For the purposes of this agreement the party, which discloses confidential information, shall be referred to as “the disclosing party” and the party, which receives the confidential information, shall be referred to as “the receiving party”.

- 1.2 ““affiliate” –of a Party means any person, now or hereafter existing, who directly or indirectly controls, (*holding company*) or is controlled or is under common control of such Party (subsidiary company); a Person “controls” another person if it holds or is beneficially entitled to hold , directly or indirectly, other than by way of security interest only, more than 50% of its voting , income or capital;
- 1.3 “disclosing party” – the party disclosing confidential information in terms of this agreement and being Airports Company;
- 1.4 “receiving party” – the party receiving confidential information in terms of this agreement;
- 1.5 “the parties” – the Airports Company and \_\_\_\_\_.

## 2. **INTRODUCTION**

- 2.1 The parties intend to provide each other with certain information pertaining to their operations and the parties are in the process of discussing certain matters with a view to concluding an agreement (“the potential agreement”), which discussions have required and will require the disclosure to one another of information of a proprietary, secret and confidential nature. Whether or not the parties conclude the potential agreement will not affect the validity of this agreement.

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- 2.2 If the confidential information so disclosed is used by the receiving party for any purpose other than that for which its use is authorised in terms of this agreement or is disclosed or disseminated by the receiving party to another person or entity which is not a party to this agreement, this may cause the disclosing party to suffer damages and material financial loss.
- 2.3 This agreement shall also bind the parties, notwithstanding the date of signature hereof, in the event that either party shall have disclosed any confidential information to the other party prior to date of signature hereof.
- 2.4 The parties wish to record the terms and conditions upon which each shall disclose confidential information to the other, which terms and conditions shall constitute a binding and enforceable agreement between the parties and their agents.

### **3 USE OF CONFIDENTIAL INFORMATION**

Any confidential information disclosed by the disclosing party shall be received and used by the receiving party only for the limited purpose described in 2.1 above and for no other purpose.

### **4 NON-DISCLOSURE**

- 4.1 THE RECEIVING PARTY undertakes that –
- 4.1.1 it will treat the disclosing party's confidential information as private and confidential and safeguard it accordingly;
- 4.1.2 it will not use (except as permitted in 3 above) or disclose or release or copy or reproduce or publish or circulate or reverse or engineer and/or decompile or otherwise transfer, whether directly or indirectly, the confidential information of the disclosing party to any other person or entity; and the receiving party shall take all such steps as may be reasonably necessary to prevent the disclosing party's confidential information falling into the hands of unauthorised persons or entities;
- 4.1.3 it shall not disclose the confidential information of the disclosing party to any employee, consultant, professional adviser, contractor or sub-contractor or agent of the receiving party (collectively referred to herein as "representative") or an affiliate of the receiving party, nor shall they be given access thereto by the receiving party -
- 4.1.4 unless it is strictly necessary for the purposes referred to in 2.1 above; and

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- 4.1.5 the receiving party shall have procured that the representative, affiliate or consultant to whom or to which such information is disclosed or made available shall have agreed to be bound by all the terms of this agreement, and, in such event, the receiving party hereby indemnifies the disclosing party against any loss, harm or damage which it may suffer as a result of the unauthorised disclosure of confidential information by a representative, affiliate or consultant.
- 4.2 Any documentation or written record or other material containing confidential information (in whatsoever form) which comes into the possession of the receiving party shall itself be deemed to form part of the confidential information of the disclosing party. The receiving party shall, on request, and in any event if the discussions referred to in 2.1 above should not result in an agreement, return to the disclosing party all of its confidential information which is in physical form (including all copies) and shall destroy any other records (including, without limitation, those in machine readable form) as far as they contain the disclosing party's confidential information. The receiving party will, upon written or oral request from the disclosing party and within five (5) business days of the disclosing party's request, provide the disclosing party with written confirmation that all such records have been destroyed.

## 5. **COPIES**

- 5.1 The receiving party may only make such copies of the disclosing party's confidential information as are strictly necessary for the purpose and the disclosures which are not in breach of this agreement and authorized in terms of this agreement. The receiving party shall clearly mark all such copies as "Confidential".
- 5.2 At the written request of the disclosing party, the receiving party shall supply to the disclosing party a list showing to the extent practical –
- 5.2.1 where copies of the confidential Information are held;
- 5.2.2 copies that have been made by the receiving party (except where they contain insignificant extracts from or references to confidential information) and where they are held; and
- 5.2.3 the names and addresses of the persons to whom confidential information has been disclosed and, if applicable, a copy of the confidentiality undertaking signed by such persons complying with the provisions of this agreement.

## 6. **THE USE OF THE COMPANY'S INTELLECTUAL PROPERTY**

- 6.1 The receiving party shall not use any intellectual property of the Company (including trademarks, service marks, logos, slogans, trade names, brand names and other indicia of origin) (collectively, the

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 Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa,  
 1632  
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[www.airports.co.za](http://www.airports.co.za)

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

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“**Company IP**”) for any reason whatsoever without first obtaining the Company’s prior written consent which consent the Company shall be entitled to grant solely at its own discretion.

- 6.2 If the receiving party requires the use of such Company IP, a request must be sent to the **Thami.Mncube@Airports.co.za**. Each single request by the same receiving party shall be treated as a new request.
- 6.3 Should the Company provide its consent in terms of clause 6.1 above, the receiving party shall comply with the Company’s policies and standards with regard to the use of the Company IP. Such policies and standards shall be communicated to the receiving party at the time the Company grants the consent to the receiving party.
- 6.4 Failure to adhere to the provisions of this clause 6 or the policies, brand requirements and protocols that will be communicated by the Brand Custodians Office to the receiving party, shall result in the penalty equal to the value of 2% (two per cent) of the receiving party’s annual turnover in the financial year in which the aforesaid failure occurred.

## 7. **DURATION**

- 7.1 Subject to Clause 2.3 this agreement shall commence or shall be deemed to have commenced on the date of signature of this agreement by the last party to sign the agreement.
- 7.2 This agreement shall remain in force for a period of **3 years** (“the term”), or for a period of one (1) year from the date of the last disclosure of confidential information to the receiving party, whichever is the longer period, whether or not the parties continue to have any relationship for that period of time.
- 7.3

## 8. **TITLE**

- 8.1 All confidential information disclosed by the disclosing party to the receiving party is acknowledged by the receiving party:
- 8.1.1 to be proprietary to the disclosing party; and
- 8.1.2 not to confer any rights to the receiving party of whatever nature in the confidential information.

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9. **RELATIONSHIP BETWEEN THE PARTIES**

- 9.1 The disclosing party is not obliged, by reason of this agreement, to disclose any of its confidential information to the receiving party or to enter into any further agreement or business relationship with the receiving party. Nothing herein shall imply or create any exclusive relationship between the Parties or otherwise restrict either Party from pursuing any business opportunities provided it complies at all times with the non-disclosure obligations set forth herein
- 9.2 The disclosing party retains the sole and exclusive ownership of intellectual property rights to its confidential information and no license or any other interest in such confidential information is granted in terms hereof or by reason of its disclosure.
- 9.3 The termination of the discussions referred to in 2.1 above shall not release the parties from the obligations set out in this agreement.

10. **ENFORCEMENT, GOVERNING LAWS AND JURISDICTION**

- 10.1 This agreement shall be governed by and interpreted according to the laws of the Republic of South Africa, without reference to the choice of laws' provisions of the Republic of South Africa. In the event of a conflict between or inconsistency in the laws applicable in the various provinces of the Republic of South Africa, the law as applied and interpreted in the Gauteng Province shall prevail.
- 10.2 The parties irrevocably submit to the exclusive jurisdiction of the High Court of South Africa, Witwatersrand Local Division, in respect of any action or proceeding arising from this agreement.
- 10.3 The parties agree that, in the event of a breach of this agreement, monetary damages would not be an adequate remedy. In the event of a breach or threatened breach of any provisions of this agreement by the receiving party, the disclosing party (and/or its relevant affiliate) shall be entitled to injunctive relief in any court of competent jurisdiction and the receiving party shall reimburse the disclosing party for any costs, claims, demands or liabilities arising directly or indirectly out of a breach. Nothing contained in this agreement shall be construed as prohibiting a party or its affiliate from pursuing any other remedies available to it for a breach or threatened breach.
- 10.4 The failure by the disclosing party to enforce or to require the performance at any time of any of the provisions of this agreement shall not be construed to be a waiver of such provision, and shall not affect either the validity of this agreement or any part hereof or the right of the disclosing party to enforce the provisions of this agreement.

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11. **DOMICILIUM**

- 11.1 The parties choose as their *domicilium* the addresses indicated in the heading to this agreement for the purposes of giving any notice, the payment of any sum, the serving of any process and for any other purpose arising from this agreement.
- 11.2 Each of the parties shall be entitled from time to time, by written notice to the other, to vary its domicilium to any other address which is not a post office box or poste restante.
- 11.3 Any notice required or permitted to be given in terms of this agreement shall be valid and effective only if in writing.
- 11.4 Any notice given and any payment made by one party to the other ("the addressee") which:
- 11.4.1 is delivered by hand during the normal business hours of the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee at the time of delivery;
  - 11.4.2 is posted by prepaid registered post from an address within the Republic of South Africa to the addressee at the addressee's domicilium for the time being shall be presumed, until the contrary is proved, to have been received by the addressee on the fourth day after the date of posting;
  - 11.4.3 is transmitted by facsimile to the addressee's receiving machine shall be presumed, until the contrary is proved, to have been received within one (1) hour of transmission where it is transmitted during normal business hours or, if transmitted outside normal business hours, within one (1) hour of the resumption of normal business hours on the next normal business day.

12. **GENERAL**

- 12.1 No party shall be bound by any representation, warranty, undertaking, promise or the like not recorded in this agreement.
- 12.2 No addition to, variation or agreed cancellation of this agreement shall be of any force or effect unless in writing and signed by or on behalf of the parties.
- 12.3 Any indulgence which either party may show to the other in terms of or pursuant to the provisions contained in this agreement shall not constitute a waiver of any of the rights of the party which granted such indulgence.
- 12.4 The parties acknowledge that this agreement and the undertakings given by it in terms hereof are fair and reasonable in regard to their nature, extent and period and go no further than is reasonably necessary to protect the interests of the parties.

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- 12.5 The parties hereby confirm that they have entered into this agreement with full and clear understanding of the nature, significance and effect thereof and freely and voluntarily and without duress.
- 12.6 Neither party shall have the right to assign or otherwise transfer any of its rights or obligations under this agreement.
- 12.7 This agreement may be executed in several counterparts that together shall constitute one and the same instrument.
- 12.8 In this agreement, clause headings are for convenience and shall not be used in its interpretation.
- 12.9 Each clause of this agreement is severable, the one from the other and if any one or more clauses are found to be invalid or unenforceable, that clause shall not affect the balance of the clauses which shall remain in full force and effect.

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

\_\_\_\_\_  
**AIRPORTS COMPANY SOUTH AFRICA SOC  
 LIMITED**

the signatory warranting that he is duly authorised  
 thereto.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

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**AS WITNESSES**

1. \_\_\_\_\_

2. \_\_\_\_\_

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_

\_\_\_\_\_

**[NAME OF SERVICE PROVIDER]**

the signatory warranting that s/he is duly authorised thereto.

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

**AS WITNESSES**

1. \_\_\_\_\_

2. \_\_\_\_\_

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**COR6975/2022/RFP**

**FORM 5.6: ACCEPTANCE OF TERMS AND CONDITIONS OF RFP AND BIDDER'S PARTICULARS**

TO: Airports Company South Africa SOC Limited (ACSA)

Airports Company South Africa Limited.

Proposal No: *COR6975/2022/RFP*

**1. Bidder's Name and Contract Details**

Bidder:	
Physical Address:	
Correspondence to be addressed to:	
Phone numbers:	
Email Address:	
Contact Person:	

**2. Proposal Certification**

We hereby submit a Proposal in respect of the Service Stations Developments in accordance with Airports Company South Africa's requirements.

- We acknowledge that Airports Company South Africa's terms and conditions (as amended and mutually agreed between the parties if necessary) shall apply to the agreement with the successful Bidder,
- We have read, understand and agree to be bound by the content of all the documentation provided by Airports Company South Africa in this Request for Proposal.
- We accept that Airports Company South Africa's Bid Adjudication Committee decision is final and binding.

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- We acknowledge that the bidder/s, directors, shareholders and employees may be subjected to security vetting Airport Company South Africa
- We certify that all forms of Proposal as required in the Proposal document are included in our submission.
- We certify that all information provided in our Proposal is true, accurate, complete and correct.
- This Proposal is specific to this bid only.
- The undersigned is/are authorized to submit and sign the Proposal that shall be binding on closure of the Proposal submission.
- The Proposal is binding on this Bidder for a period which lapses after *eighty-four (84) days* calculated from the closing date for Proposal submission.

Thus done and signed at		on this the		day of		2023
-------------------------	--	-------------	--	--------	--	------

Signature:	
Name:	

For and behalf of:

Bidding entity name:	
Capacity:	

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**FORM 5.7: CERTIFICATE OF AUTHORITY TO SIGN TENDER**

Insert certified copy of an extract from the minutes of a meeting of the Board of Directors or Members authorizing the person who signs the Submission to sign it on behalf of the Company, Corporation or Firm.

Signed

Date

Name

Position

Tenderer

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**FORM 5.8: CERTIFICATE OF AUTHORITY OF JOINT VENTURES (WHERE APPLICABLE)**

This Returnable Schedule is to be completed by joint ventures.

We, the undersigned, are submitting this tender offer in Joint Venture and hereby authorise Mr/Ms . . . . .  
 . . . . . , authorised signatory of the company . . . . .  
 . . . . . , acting in the capacity of lead partner, to sign all documents in connection with the tender offer and any contract resulting from it on our behalf.

Please attach JV agreement stipulation % share of each JV

**Table 9 Authorisation Information**

NAME OF FIRM	ADDRESS	DULY AUTHORISED SIGNATORY
Lead partner		Signature: . . . . . Name: . . . . . Designation: . . . . .
		Signature: . . . . . Name: . . . . . Designation: . . . . .
		Signature: . . . . . Name: . . . . . Designation: . . . . .

Signed

Date

Name

Position

Tenderer

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**FORM 5.9: JOINT VENTURE (JV) AGREEMENT (IF APPLICABLE)**

Bidder to attach duly signed agreement/Memorandum of understanding between the parties.

Signed ..... Date \_\_\_\_\_

Name ..... Position \_\_\_\_\_

*Tender* .....

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**FORM 5.10: PRO FORMA CONCESSION AGREEMENT/NEC CONTRACT**

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

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**FORM 5.11: ALL MANDATORY CRITERIA DOCUMENTS AS PER SECTION 3.3 OF THIS TENDER  
DOCUMENT**

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

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**FORM 5.12: ALL FUNCTIONAL CRITERIA DOCUMENTS AS PER SECTION 3.5 OF THIS TENDER DOCUMENT**

**BIDDERS TO ATTACH OTHER RETURNABLE DOCUMENTS UNDER THE FUNCTIONAL CRITERIA AS SPECIFIED IN SECTION 3.5 OF THIS TENDER DOCUMENT**

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**FORM 5.13: COMPANY PROFILE, EXECUTIVE SUMMARY, AND ORGANOGRAM**

**Bidder to provide brief summary of their organisation and include their organisation's Organogram relevant to this opportunity with names, (starting with the Managing Directors/CEO)**

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**FORM 5.14: B-BBEE CERTIFICATE AND SCORECARD**

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

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**FORM 5.15: TAX PIN NUMBER**

**ACSA MAY NOT AWARD TO A BIDDER WHOSE TAX AFFAIRS HAVE NOT BEEN DECLARED TO BE IN  
ORDERS BY SARS**

Signed ..... Date .....

Name ..... Position .....

Tender .....

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**FORM 5.16: CERTIFIED COPIES OF IDENTITY DOCUMENTS OF DIRECTORS, / TRUSTEES / MEMBERS /  
SHAREHOLDERS AND SENIOR MANAGEMENT**

Signed ..... Date \_\_\_\_\_

Name ..... Position \_\_\_\_\_

Tender .....

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**FORM 5.17: CERTIFICATE OF INCORPORATION**

Signed ..... Date \_\_\_\_\_

Name ..... Position \_\_\_\_\_

*Tender* .....

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**FORM 5.18: CENTRAL SUPPLIER DATABASE REPORT (CSD)**

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

**Tel +27 11 723 1400 Fax +27 11 453 9354**  
**Western Precinct, Aviation Park, O.R. Tambo International Airport, 1 Jones Road, Kempton Park, Gauteng, South Africa, 1632**  
**P O Box 75480, Gardenview, Gauteng, South Africa, 2047**  
**[www.airports.co.za](http://www.airports.co.za)**

Airports Company South Africa SOC Ltd Reg No 1993/004149/30 VAT no 4930138393 Board of Directors: Advocate S Nogxina (Chairperson), M Mpofu (Chief Executive Officer), N Zikala-Mvelase, N Nokwe-Macamo, Y Pillay, K Esterhuizen, GA Victor, D Hlatwayo, Dr KH Badimo, F Sefara (Company Secretary)

**COR6975/2022/RFP**

**FORM 5.19: LATEST AUDITED FINANCIAL STATEMENTS/MANAGEMENT ACCOUNTS**

Signed ..... Date .....

Name ..... Position .....

*Tender* .....

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